

**CITY PLANNING COMMISSION  
MINUTES  
APRIL 13, 2010**

1. **CALL TO ORDER** – Rew called the meeting to order at 6:03 p.m.

2. **ROLL CALL**

Members Present: Bragg, Dickerson, Gould, Graham, Hartman, Milford, Ozaydin, Rew, Schoeppner and White.

Absent: VanHouten

Staff: Mudge, Malmquist and Wade

3. **ADOPTION OF AGENDA**

Motion by Milford, second by Bragg to adopt the agenda as presented. Motion carried by unanimous voice vote.

4. **APPROVAL – MINUTES OF THE MARCH 9, 2010 MEETING**

Motion by Bragg, second by Ozaydin to approve the minutes as written. Motion carried by unanimous voice vote.

5. **PROOF OF PUBLICATION** – Mudge

6. **REVIEW OF MEETING PROCEDURES** – Rew

7. **PUBLIC HEARINGS**

A. CASE #SAV-10-003: Public hearing on the request Prine Custom Homes, Inc. to vacate that part of South 1<sup>st</sup> Street extending north 100' from the north right-of-way line of Comanche Street adjacent to Lot 14, Wilcox Glassview Addition. Location: North of the intersection of Comanche and Mohawk Streets.

Malmquist spoke on behalf of the applicant, Prine Custom Homes, Inc. This land at one time was thought to be vacated, with further investigation proved not to be the case. The other adjacent property owner, Council Bluffs Country Club, is not willing to purchase this property. The applicant is willing to acquire it all. There are no utilities or need for an easement.

No one appeared in opposition.

**PLANNING COMMISSION ACTION**

Motion by White, second by Dickerson to recommend vacation of that part of South 1<sup>st</sup> Street extending north 100' from the north right-of-way line of Comanche Street adjacent to Lot 14, Wilcox Glassview Addition, subject to the recommendations in staff report.

VOTE: AYE – Bragg, Dickerson, Gould, Graham, Hartman, Milford, Ozaydin, Rew, Schoeppner and White.  
NAY – None. ABSTAIN – None. ABSENT - VanHouten. Motion carried.

B. CASE #ZC-10-005: Public hearing on the request of Cliff Kathol to rezone a 9.62 acre parcel of land located in the SE¼ SW¼ of Section 8-74-43 from R-1/Single Family Residential to R1E/Single Family Residential Estates. Location: East of Valley View Drive and northeast of Harry Langdon Boulevard/Wabash Avenue.

Cliff Kathol, 112 Greenview Circle, Council Bluffs, IA said this request to change the zoning to Single Family Residential Estates is due to the need to use a private septic system. Sanitary sewer is not available and the lay of the land would make it difficult. The staff report explains the situation.

No one appeared in opposition.

## PLANNING COMMISSION ACTION

Motion by Milford, second by Bragg to recommend rezoning from R-1/Single Family Residential to R1E/Single Family Residential Estates the land as described in the caption.

VOTE: AYE – Bragg, Dickerson, Gould, Graham, Hartman, Milford, Ozaydin, Rew, Schoeppner and White.  
NAY –None. ABSTAIN –None. ABSENT – VanHouten. Motion carried.

C. CASE #ZC-10-006: Public hearing on the request of the Community Development Department to rezone Lots 1 through 6, Block 4, all of Block 5, Lots 1 through 12, 23 and 24, Block 25, Lots 1 through 12, 23 and 24, Block 32, Lots 1 through 12, 23 and 24, Block 53, Lots 1 through 12, 23 and 24, Block 60, Lots 1 through 12, 23 and 24, Block 81, Lots 1 through 14, 27 and 28, Block 88, Lots 21 and 22, Block 89, all in Railroad Addition, and Out Lot 1, Acosta Subdivision from R-2/Two Family Residential to A-2/Parks, Estates and Agricultural and to rezone Blocks 6 and 7, Railroad Addition from C-2 Commercial to A-2/Parks, Estates and Agricultural and to rezone Blocks 8, 9 and 10, Railroad Addition from I-2/General Industrial to A-2/Parks, Estates and Agricultural. These rezoning descriptions shall include any abutting vacated right-of-way. Location: Approximately ½ block wide strip extending from west of South 21<sup>st</sup> Street, north of 23<sup>rd</sup> Avenue to east of South 15<sup>th</sup> Street, then south to south of 28<sup>th</sup> Avenue then west to South 17<sup>th</sup> Street.

Malmquist on behalf of Community Development Department said she received a letter dated April 12, 2010 from Robert Andeweg, Attorney for Country Properties LC, owner of a 33' wide parcel north of 23<sup>rd</sup> Ave. and west of S 19<sup>th</sup> Street. Last month was the rezoning case for adjacent property, this is a buffer strip around that property. The representative for Country Properties states this parcel is vital for ingress and egress to other properties owned by his client, and objects to the rezoning.

Rose Rohert, 405 N. 115<sup>th</sup> St., Suite 100, Omaha, NE 68154-2507 representing Adair Holdings LLC said they own property within this area and would like this case extended/tailed until the next Planning Commission meeting so they have more time to evaluate how this zoning change would effect their property.

Rew asked how long have they owned this property? Rohert said about a year.

Ozaydin asked if anything was built on this property? Rohert said it is vacant.

Hartman asked where their property was located? Rohert said between 26<sup>th</sup> and 28<sup>th</sup> Avenue and east of S. 15<sup>th</sup> St. Rew asked how many lots that included. Malmquist said two blocks. Rew said PottCo only lists 2 parcels.

Speaking in opposition.

Douglas Logan, 7025 Iowa St., Omaha, NE 68152 said he owned property in Blocks 53, 60 and 81. He was told he could have one house up to so many feet, and for several years the value of this property was “this” and when the zoning was changed, then the value was “this”. Why don’t they purchase this property and do what they want. The City Planning Department wanted to purchase it but the appraisal was ridiculous. This was a bad situation.

William O. Phillips, 252 Elliott, Council Bluffs, IA said he owns property at 2310 – 23<sup>rd</sup> Avenue. He purchased this property eight years ago to sell used cars. The zoning change would make his property nonconforming.

Robert Andeweg, 700 Walnut St., Suite 1600, Des Moines, IA 50309-3899 representing Country Properties LC said the letter sent to the Planning Department dated April 12, 2010 stated his concerns regarding ingress and egress to other parcels owned by Country Properties. Said he has had conversations with the Community Development Department regarding their concerns.

Malmquist asked where is the property? Andeweg said in the Union Pacific Railroad yards.

Wade asked if there were railroad crossings, they may have rights to a private crossing.

Malmquist said rezoning would not effect access. Andeweg said there would be an impact. Malmquist said it may be appropriate to continue the public hearing until next month. If continued, we will not notify property owners again, but we are available for questions.

Rew agreed.

#### PLANNING COMMISSION ACTION

Motion by White, second by Hartman to continue the public hearing to the next meeting on May 11, 2010.

VOTE: AYE – Bragg, Dickerson, Gould, Graham, Hartman, Milford, Ozaydin, Rew, Schoeppner and White.  
NAY –None. ABSTAIN –None. ABSENT – VanHouten. Motion carried.

Malmquist said the agenda will be posted in the legal ads of the Nonpareil, no letter will be mailed to the property owners, the meeting will take place in the Library on May 11<sup>th</sup>.

D. CASE #ZC-10-007: Public hearing on the request of 510 Bluff Street, LLC to rezone Lots 1 through 6, Jackson's Addition from R-1/Single Family Residential to A-P/Administrative Professional District. Location: Former Kirn Gym at 510 Bluff Street.

Jim Royer 142 W. Broadway, Suite 140, Council Bluffs, representing J Development said this request to rezone the former Kirn Gym would allow renovation into apartments, is here to answer any questions.

Rew said he missed the Open House held for the neighbors and would like to see a map or drawings.

Royer displayed the renderings and explained that this property is historic and the exterior will not be changed. He said from the main corridor down the middle, each apartment unit would have a few steps to walk up to a loft from the main floor. The garden level will be split-level. The alley windows which are now bricked in will be opened and usable. The tall windows will reach from the kitchen up to the bedroom. Rew asked if the wall will go all the way up and only open within the individual apartment? Royer said yes. The lower level has a corridor down the middle. A stairway goes up from the kitchen.

Ozaydin asked where the alley side was? Royer said from the rendering it is looking south.

Royer said they have owned this building for two and a half years. The school was taking sealed bids for the building, and they did not want to see this cool building torn down. They did research on condos and offices, but came back with the idea of market rate apartments. The intent is to get 28 parking stalls and keep the green space.

Ozaydin asked if he has secured grants? Royer there should not be a problem securing a historic tax credit.

No one spoke in opposition.

Milford said this is a great project and thanked the developer.

Ozaydin said if we rezone and J Development doesn't get the funding, could someone else put in a rec. center or gym or would there need to be another rezoning? Malmquist said the proposed use must comply with the current zoning.

Malmquist said a resident across the street was opposed to previous rezoning to multi-family and would like the same opportunity to rezone. Rew asked if he wanted multi-family? Malmquist said he wants a coffee shop. Royer said Sean Thomsen isn't opposed to this project but opposes the previous down zoning. Malmquist said Thomsen was not able to attend the public hearing.

## PLANNING COMMISSION ACTION

Motion by Schoeppner, second by Dickerson to recommend rezoning Lots 1 through 6, Jackson's Addition from R-1/Single Family Residential to AP/ Administrative Professional District for the reasons cited by the Community Development Department.

VOTE: AYE – Bragg, Dickerson, Gould, Graham, Hartman, Milford, Ozaydin, Rew, Schoeppner and White.  
NAY –None. ABSTAIN –None. ABSENT – VanHouten. Motion carried.

E. CASE #ZT-10-003: Public hearing on the request of the Community Development Department to amend Chapter 15.05-A-2/Parks, Estates and Agricultural District to add 'Animal Shelter (Non-Profit)' as a principal use.

Malmquist representing the Community Development Department said with the ongoing fundraising for the Midlands Humane Society, a site has been selected, but the code does not address 'animal shelters'.

Wade said this does not pertain to the City's animal shelter.

Hartman asked if the change is the underlined text? Malmquist said yes, to add 'animal shelter' as a permitted use in an A-2 District.

No one spoke in opposition.

## PLANNING COMMISSION ACTION

Motion by Hartman, second by White to recommend amending Chapter 15.05. - A-2/Parks, Estates and Agricultural District to add 'Animal Shelter (Non-Profit)' as a principal use.

VOTE: AYE – Bragg, Dickerson, Gould, Graham, Hartman, Milford, Ozaydin, Rew, Schoeppner and White.  
NAY –None. ABSTAIN –None. ABSENT – VanHouten. Motion carried.

## 8. OTHER BUSINESS

A. Annual Report – 2009. Malmquist said the report was mailed. Rew will need to sign the letter before the City Council receives it at the next council meeting.

B. City Council update. Wade went over action from the previous night's Council meeting. During second consideration for outdoor taverns within the 100 block of West Broadway, concerns arose with the planters within the sidewalks. Wade said most establishments would put theirs in back. Wade also said the Council heard several Building code changes last updated in 2000. Wade explained the bidding rules for the new Public Works Operations Facility.

C. Nominating Committee Report/Election of Officers. White reported that the nominating committee recommended Dan Ozaydin as chair and Sheila Graham as vice-chair. Motion by White, second by Rew to approve the nominating committee recommendation. Motion carried by unanimous voice vote.

D. Other items of interest – Malmquist introduced Jeremy Davern from the current Leadership Council Bluffs class. Malmquist said she and Rose Brown attended the National American Planning Association Conference in New Orleans.

9. **ADJOURNMENT** – Rew adjourned the meeting 7:14 p.m.